REMARKS

Claims 1–20 are pending in the present application.

Claims 1 and 11 have been amended solely for clarity, without altering the scope of the claims.

Reconsideration of the claims is respectfully requested.

35 U.S.C. § 102 (Anticipation)

Claims 1–4 and 11–14 were rejected under 35 U.S.C. § 102(e) or 102(b) as being anticipated by U.S. Patent No. 6,016,311 to *Gilbert et al.* This rejection is respectfully traversed.

A claim is anticipated only if each and every element is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim. MPEP § 2131 at p. 2100-73 (8th ed. rev. 2 May 2004).

Independent claims 1 and 11 each recite determining a longest time duration required for downlink transmission from any of a set of modems communicating with a corresponding group of wireless access devices, from access requests received from the wireless access devices. In the present invention, the longest downlink time duration for a set of modems each communicating with a different wireless access device is determined to prevent uplink transmission from any of those wireless access devices from commencing until all downlink transmissions have completed, thereby avoiding interference between uplink and downlink portions of TDD frames, either within a given sector or between adjacent sectors/cells. Such a feature is not found within the cited reference. The

cited portion of *Gilbert et al* merely states:

> However, the base stations 106 monitor the bandwidth requirements of their respective cells 102, report results back to the cluster controller 162, and accept updates and commands from the cluster controller 162 thereby changing the uplink/downlink time slot allocations based upon the bandwidth requirements.

Gilbert et al, column 14, lines 1–6. *Gilbert et al* does not teach or suggest determining a longest time duration for downlink traffic requested from base station 106 by respective cells 102 within a cluster 160, or specifically the comparison of the time durations required for various requested downlink transmissions that would be necessary to make such a determination.

Therefore, the rejection of claims 1–4 and 11–14 under 35 U.S.C. § 102 has been overcome.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at ***dvenglarik@davismunck.com***.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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